

**Remarks**

All of the Section 102 and 103 rejections are improper because they erroneously equate a photocopier-paper valve that simply opens and closes to pass a pressurized stream, with the stream-generating device of the claimed invention. Specifically regarding the Section 103 rejection of claims 19-21, the Office Action has mistakenly cited to a secondary reference that is different from the reference cited in the statement of rejection, which is confusing and contrary to Section 103, applicable law and the M.P.E. P. The following more particularly addresses these matters.

The non-final Office Action dated September 18, 2008 indicated the following rejections: claims 24-26 stand rejected under 35 U.S.C. § 112(2); claims 1-4, 7-18, and 22-26 stand rejected under 35 U.S.C. § 102(b) over Biegelsen (US Patent No. 6,089,534); claims 5-6 stand rejected under 35 U.S.C. § 103(a) over the '534 reference in view of Bryant (US Patent No. 6,856,073); and claims 19-21 stand rejected under 35 U.S.C. § 103(a) over the '534 reference. Applicant traverses all of the rejections and, unless stated by the Applicant, does not acquiesce to any objection, rejection or averment made in the Office Action.

All of the rejections under Sections 102 and 103 are improper and should be reversed because the cited photocopier-paper air flow valves of the '534 reference are unrelated to claim limitations directed to generating a medium stream with a diaphragm (*e.g.*, generating sound as an audio speaker). Specifically, the cited valves in the '534 reference are used to selectively block pressurized air that is generated externally, and correspondingly do not generate any stream. Moreover, the pressurized air passed by the valve in the '534 reference is not a "medium stream" as asserted (*i.e.*, the air does not carry any sound).

Referring to claim 1 of the instant application by way of example, the '534 reference cannot provide a medium stream because the disclosed operation of the respective electrodes is simply to control the aperture of an opening (*e.g.*, open or close, or partially open/close). The application of the cited valve is shown in figures 3-7, with relevant discussion at column 3:60-4:9, which describes the selective blocking of an aperture (*e.g.*, 16 of figure 3, 4 or 7) to control the application of pressurized fluid supplied by an external "fluid pressure source 50." Correspondingly, the valve does not

generate any medium stream, and instead simply passes or blocks the flow of fluid that is supplied under pressure.

In view of the above, Applicant submits that all of the rejections are improper because they each rely upon these cited portions of the '534 reference, which do not provide correspondence to the claimed invention.

Further regarding the Section 103 rejections of claims 5-6, Applicant maintains that the cited portions of the secondary '073 reference do not provide correspondence to the claimed invention as asserted, and therefore fully incorporates the traversals of record here. However, Applicant believes that further discussion of the rejections is unnecessary in view of the above.

Further regarding the Section 103 rejections of claims 19-21 over the sole '534 reference, the Office Action has confusingly cited an '073 reference in the body of the rejection, while the statement of rejection cites only to the '534 reference. Applicant therefore cannot ascertain which reference and which portions therein are recited as corresponding to the claim limitation. Moreover, the Office Action's assertion that the claims simply recite "the manner in which a claimed apparatus is intended to be employed" is untenable, as the claim limitations clearly call out a manner in which the diaphragm is operated. This is exemplified in reviewing the cited '534 reference, which clearly cannot operate as claimed, such as to generate sound. The Section 103 rejections of claims 19-21 are accordingly also improper for these reasons.

Regarding the Section 112(2) rejection, Applicant believes that the rejection is improper because the plain meaning of the claim is readily ascertainable (as consistent with the Examiner's interpretation). However, claim 24 has been amended to correct an informality, by deleting the superfluous term "on" as relating to the diaphragm. In this context, Applicant believes that the Section 112(2) rejection is no longer applicable.

In view of the above, Applicant believes that all rejections are improper and should be removed.

Applicant has made minor amendments to the claims for readability, relative to the generation of a media stream (*e.g.*, to push fluid to generate sound), in a manner consistent with the above discussion. Support for these amendments may be found throughout the

specification and in the figures, with exemplary embodiments described at paragraphs 0028-029, and shown in FIG. 1.

In view of the above, Applicant believes that each of the rejections/objections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Peter Zawilski, of NXP Corporation at (408) 474-9063.

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